

June 24, 2009

VIA FACSIMILE at (212) 805-7930

The Honorable James C. Francis IV
United States Magistrate Judge
United States District Court, Southern District of New York
500 Pearl Street
New York, New York 10007

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/25/10

RE: Sysco Food Services of Metro New York, LLC v. Jekyll & Hyde, et al.
Case No. 08-CV-02958(BSJ)

Dear Judge Francis:

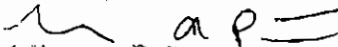
This firm serves as local counsel for plaintiff, Sysco Food Services of Metro New York LLC ("Sysco") in the above-referenced matter.

On May 28, 2010, Sysco filed a motion seeking leave to file a Second Amended Complaint to name Donald R. Finley as a defendant in this action (the "Motion"). Specifically, in its proposed Second Amended Complaint, Sysco alleges that Mr. Finley is liable for the debt owed by defendant, Sixth Avenue Food Stores ("Sixth Avenue") as he represented that Sixth Avenue was a New York corporation in an application to obtain credit from Sysco when Sixth Avenue was not incorporated.

We write to respectfully request that the Court "so order" the following briefing schedule for the Motion: (1) July 9, 2010 – deadline for defendants to file any opposition to the Motion; and (2) July 23, 2010 – deadline for plaintiff to file any reply. While Sysco has attempted to reach a consensual briefing schedule with the defendants for the last two weeks, defendants continue to delay in responding to Sysco's requests. In order to move this case forward, we respectfully request that the above schedule be approved by the Court.

We thank the Court for its consideration of this request.

Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS, PA


Melissa A. Peña

cc: Lawrence W. Radner, Esq. (Via Email)
Steven Mitnick, Esq. (Via Email)
Charnelle Harvey (Via Email)

NY: 875 Third Avenue, 8th Floor New York, NY 10022 • P: (212) 808-0700 • F: (212) 808-0844

NJ: 721 Route 202-206 P.O. Box 5933 Bridgewater, NJ 08807-5933 • P: (908) 722-0700 • F: (908) 722-0755

PA: The Paragon Centre, Suite 300 1611 Pond Road Allentown, PA 18104-2258 • P: (610) 391-1800 • F: (610) 391-1805

www.nmmlaw.com E: info@nmmlaw.com



6/25/10
Application granted.
SO ORDERED.
James C. Francis IV
USMJ